UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT
DOCKETING STATEMENT--CIVIL/AGENCY CASES

Directions: Counsel must make a **docketing statement (civil/agency) filed** entry in CM/ECF within 14 days of docketing of the appeal, or within the due date set by the clerk's docketing notice, whichever is later. File with the entry the (1) docketing statement form with any extended answers and (2) any transcript order form. Parties proceeding pro se are not required to file a docketing statement. Opposing counsel who finds a docketing statement inaccurate or incomplete may file any objections within 10 days of service of the docketing statement using the ECF event-**docketing statement objection/correction filed**.

Appeal No. & Caption	16-1263(L)/16-1324/Juan Cervantes v. Bridgefield Cas. Ins. Co
Originating No. & Caption	1:15-CV-81/Juan Cervantes v. Bridgefield Cas. Ins. Co.
Originating Court/Agency	U.S. District Court for the Middle District of North Carolina

Jurisdiction (answer any that apply)		
Statute establishing jurisdiction in Court of Appeals	28 U.S.C. 1291	
Time allowed for filing in Court of Appeals	14 days (cross-appeal)	
Date of entry of order or judgment appealed	2/11/2016	
Date notice of appeal or petition for review filed	3/11/2016	
If cross appeal, date first appeal filed	3/25/2016	
Date of filing any post-judgment motion	n/a	
Date order entered disposing of any post-judgment motion	n/a	
Date of filing any motion to extend appeal period	n/a	
Time for filing appeal extended to	n/a	
Is appeal from final judgment or order?	◉ Yes	○ No
If appeal is not from final judgment, why is order appealable?		

Settlement (The docketing statement is used by the circuit mediator in pre-briefing review and mediation conducted under Local Rule 33. Counsel may make a confidential request for mediation by calling the Office of the Circuit Mediator at 843-521-4022.)		
Is settlement being discussed?	○ Yes	◉ No

Transcript (transcript order must be attached if transcript is needed and not yet on file)		
Is transcript needed for this appeal?	○ Yes	◉ No
Has transcript been filed in district court?	○ Yes	◉ No
Is transcript order attached?	○ Yes	◉ No

Case Handling Requirements (answer any that apply)		
Case number of any prior appeal in same case	n/a	
Case number of any pending appeal in same case	16-1263	
Identification of any case pending in this Court or Supreme Court raising similar issue		
	If abeyance or consolidation is warranted, counsel must file an appropriate motion.	
Is expedited disposition necessary?	○ Yes	◉ No
	If yes, motion to expedite must be filed.	
Is oral argument necessary?	◉ Yes	○ No
Does case involve question of first impression?	○ Yes	◉ No
Does appeal challenge constitutionality of federal or state statute in case to which federal or state government is not a party	○ Yes	◉ No
	If yes, notice re: challenge to constitutionality of law must be filed.	

Nature of Case (Nature of case and disposition below. Attach additional page if necessary.)

Plaintiff-Appellant Juan Cervantes sought workers' compensation insurance benefits from Defendant-Appellee Bridgefield Casualty Insurance Company. Bridgefield denied Mr. Cervantes' claim, prompting Mr. Cervantes to initiate proceedings against Bridgefield before the North Carolina Industrial Commission. Mr. Cervantes also initiated the instant lawsuit, contending that Bridgefield breached its insurance contract and further engaged in bad faith and unfair and deceptive trade practices under North Carolina law.

Bridgefield moved to dismiss Mr. Cervantes' lawsuit for lack of subject matter jurisdiction, but while that Motion was pending, the District Court ordered Bridgefield to produce expansive discovery and further sanctioned Bridgefield in connection with Mr. Cervantes' unilateral attempt to notice Bridgefield's Rule 30(b)(6) Deposition. Ultimately, the District Court dismissed Mr. Cervantes' lawsuit for lack of subject matter jursidiction, leading Mr. Cervantes to appeal. Bridgefield is appealing the District Court's discovery orders in the event this matter is remanded as a result of Mr. Cervantes' appeal.

Issues (Non-binding statement of issues on appeal. Attach additional page if necessary)

Did the District Court err in refusing to grant Bridgefield's Motion to Stay discovery and in compelling Bridgefield's production of expansive and confidential materials while Bridgefield's Motion to Dismiss for Lack of Subject Matter Jurisdiction was pending?

Did the District Court err in compelling Bridgefield's production of expansive materials that were not reasonably calculated to lead to the discovery of admissible evidence?

Did the District Court err in refusing to grant Bridgefield's Motion for Protective Order relating to Mr. Cervantes' unilateral service of an expansive Rule 30(b)(6) deposition notice given the fact that Bridgefield's Motion to Dismiss for Lack of Subject Matter Jursidiction was pending?

Did the District Court err in refusing to grant Bridgefield's Motion for Protective Order relating to Mr. Cervantes' unilateral service of an exapansive Rule 30(b)(6) deposition notice that contained areas of inquiry that were not reasonably calculated to lead to the discovery of admissible evidence?

Did the District Court err in granting Mr. Cervantes' Motion for Sanctions, ordering Bridgefield to appear for deposition in North Carolina versus Florida, where its home office is based, and ordering certain costs?

Adverse Parties (List adverse parties to this appeal and their attorneys; provide party's address if the party is not represented by counsel. Attach additional page if necessary.)

Adverse Party: Juan Cervantes	Adverse Party: Juan Cervantes (same party)
Attorney: J. David Stradley Address: White & Stradley, PLLC 3105 Charles B. Root Wynd Raleigh, North Carolina 27612	Attorney: Brian Ricci Address: Ricci Law Firm, P.A. Post Office Box 483 Greenville, North Carolina 27835
E-mail: stradley@whiteandstradley.com	E-mail: bmricci@riccilawnc.com
Phone: 919-840-0400	Phone: 855-444-9764

Adverse Parties (continued)

Adverse Party:	Adverse Party:
Attorney: Address:	Attorney: Address:
E-mail:	E-mail:
Phone:	Phone:

Appellant (Attach additional page if necessary.)	
Name: Attorney: Address: E-mail: Phone:	Name: Attorney: Address: E-mail: Phone:
Appellant (continued)	
Name: Attorney: Address: E-mail: Phone:	Name: Attorney: Address: E-mail: Phone:

Signature: /s/ Jessica C. Tyndall **Date:** 4/7/16

Counsel for: Bridgefield Casuatly Insurance Company

Certificate of Service: I certify that on 4/7/16 the foregoing document was served on all parties or their counsel of record through the CM/ECF system if they are registered users or, if they are not, by serving a true and correct copy at the addresses listed below (Attach additional page if necessary):

J. David Stradley White & Stradley, PLLC 3105 Charles B. Root Wynd Raleigh, North Carolina 27612 stradley@whiteandstradley.com	Brian M. Ricci Ricci Law Firm, P.A. Post Office Box 483 Greenville, North Carolina 27835 bmricci@riccilawnc.com
Signature: /s/ Jessica C. Tyndall	Date: 4/7/16

Print Save Reset Form